

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RYAN BONNEAU,

Plaintiff,

Case No. 3:12-CV-250-PA

v.

ORDER

FEDERAL BUREAU OF PRISONS,
et al.,

Defendants.

PANNER, District Judge.

Plaintiff, an inmate at FCI-Sheridan, has moved for a preliminary injunction wherein the court prevents defendants from using any of his disciplinary incident reports against him when reviewing his application for placement in a Residential Re-entry Center. In this way, he asks the court to immediately invalidate all underlying disciplinary sanctions against him.

Defendants have yet to be served with the Complaint in this action. Fed. R. Civ. P. 4(1) (requiring proof of service). Therefore, the court cannot enforce an injunction against defendant. *Zepeda v. INS*, 753 F.2d 719 (9th Cir. 1985) (federal

court may issue injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim).

Even if this were not the case, plaintiff is attempting to secure a preliminary injunction to change the status quo. A request for a mandatory injunction seeking relief well beyond the status quo is disfavored and shall not be granted unless the facts and law clearly favor the moving party. *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1319-20 (9th Cir. 1994). There is no such showing in this case. For these reasons, the Motion for Preliminary Injunction (#3) is DENIED.

CONCLUSION

Plaintiff's Motion for Preliminary Injunction (#3) is DENIED.

IT IS SO ORDERED

DATED this 16 day of March, 2012.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

Owen M. Panner
United State District Judge